# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/783,673 | 02/14/2001 | Peter M. Mansour | SPROQ1100-1 | 9661 |

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| EXAMINER |
|---|
| . ZHONG, CHAD |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2152 | |

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
| **Office Action Summary** | 09/783,673 | MANSOUR ET AL. |
| | Examiner | Art Unit | |
| | Chad Zhong | 2152 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on *21 November 2005*.

2a) ☒ This action is **FINAL**.     2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-53* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-53* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date . 11/21/05

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

## FINAL ACTION

1.      Applicant's arguments, see pages 12-18 of applicant's remarks, filed 11/21/2005, with respect to

the rejection(s) of claim(s) 1-53 under 35 USC 102(e) and 35 USC 103(a) have been fully considered and

are persuasive.  Therefore, the rejection has been withdrawn.  However, upon further consideration, a new

ground(s) of rejection is made in view of newly found prior art reference Filepp et al., US 5,347,632.

Since, applicant has received a non-final action on merit, therefore, this action is final.  Claims 1-53 are

presented for examination; claims 1, 17, 28, 32, 36, and 45 are currently amended; claims 2-16, 18-27,

29-31, 33-35, 37-44, and 46-53 are previously presented.

2.      Applicant's remarks filed 11/21/2005 have been considered but are found moot in view at the new

grounds at rejection necessitated by Applicant's amendment.

3.      The terminal disclaimer filed on 11/21/2005 disclaiming the terminal portion of any patent

granted on this application which would extend beyond the expiration date of 09-783660 has been

reviewed and is NOT accepted.

>       a.      The person who signed the terminal disclaimer is not recognized as an officer of the
>       assignee, and he/she has not been established as being authorized to act on behalf of the assignee.
>       See MPEP § 324.

An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity

as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a).  See 37 CFR

1.321(b) and/or (c).

It would be acceptable for a person, other than a recognized officer, to sign a terminal disclaimer,

provided the record for the application includes a statement that the person is empowered to sign terminal

disclaimers and/or act on behalf of the organization.

Accordingly, a new terminal disclaimer which includes the above empowerment statement will

be considered to be signed by an appropriate official of the assignee.  A separately filed paper referencing

the previously filed terminal disclaimer and containing a proper empowerment statement would also be

acceptable.


5.      The declaration filed on 11/21/2005 under 37 CFR 1.131 has been considered but is ineffective to

overcome the Patrick reference.

6.      The evidence submitted is insufficient to establish diligence from a date prior to the date of

reduction to practice of the Patrick reference to either a constructive reduction to practice or an actual

reduction to practice.  Specifically, diligence is lacking from October 23, 2000 to at least the publication

date of the Patrick reference dated 1/30/2001.


### *Claim Rejections - 35 USC § 103*

7.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such
> that the subject matter as a whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in
> which the invention was made.

8.      Claims 1-13 and 17-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp et

al. (hereinafter Filepp), US 5,347,632, in view of Kikinis, US 5,727,159.


9.      As per claim 1, Filepp teaches a data processing method comprising:

generating, with a client device, a particular form of a client-resident intermediate user interface

(UI) for a server-based and client-side controlled application according to a UI format (Filepp, Col. 10,

lines 18-29, where objects in form of packets are sent from server to client, the objects are used for

interface generation purposes)

including the steps of supplementing a skeletal UI stored in a first memory location (Filepp,

skeletal UI is interpreted as incomplete UI; Col. 9, lines 10-33, shows a template UI being populated by

different objects, one object is an advertising object) with one or more icons, labels or menu items, or

combinations thereof (Filepp, Fig 3a, 4c, displays types of objects that are available to populate a

template page) stored in a second memory location (Filepp, Col. 5, lines 15-25, where the objects can be

stored locally or remotely), wherein the skeletal UI specifies a layout of the client-resident intermediate

UI including respective locations of the one ore more icons, labels or menu items, or combinations thereof

(Filepp, Col. 10, lines 46-57, where the format of the template is determined using page format objects

502), and wherein the first memory location and the second memory location are situated on said client

device (Filepp, Col. 5, lines 15-25), the skeletal UI and one ore more icons, labels and menu items being

independently updateable from one another(Filepp, Col. 9, lines 10-35, where individual objects update

their respective fields on the page);

   receiving, at said client device, a number of source data items related to said server-based

application (Filepp, Col. 10, lines 15-30); and

   populating at least one native UI control used by said UI with said number of source data items

(Filepp, Col. 9, lines 10-33; Col. 12, lines 8-17).

   However, Filepp does not explicitly say generating according to a UI format that is based upon a

number of device capabilities for said client device.

   Kikinis teaches generating according to a UI format that is based upon a number of device

capabilities for said client device (Kikinis, Col. 2, lines 48-51; Col. 10, lines 20-33, where proxy-server

format the data according to the end device's capabilities).

   It would have been obvious to the person of ordinary skill in the art at the time of the invention to

incorporate Kikinis teaching with Filepp because the combination would improve the efficiency of

Filepp's systems by using the proxy-server rather than the field devices, (Filepp, Col. 3, lines 40-45).

10.    As per claim 2, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above,

including said at least one native UI control is associated with an operating system for said client device

(Filepp, Col. 4, lines 55-60; Fig 3a, item 290, where the commands are associated with operating system on network device RS 400, the operating system are running each page).

11.    As per claim 3, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above, including generating an action request in response to a manipulation of said UI by a user of said intermediate client device (Filepp, Col. 7, lines 27-30); and

updating said intermediate_UI in response to said action request (Filepp, Col. 7, lines 27-41).

12.    As per claim 4, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above, including performing an offline action by said client device while said client device operates in a disconnected mode (Filepp, Col. 8, lines 47-61, where the sessions are established via modem, meaning there is no constant connection between client and server; Col. 84, lines 49-60, local storage is checked first for requested object, if not found a remote session is established to the server side for retrieval);

subsequently establishing a session between said client device and said UI server (Filepp, Col. 8, lines 47-61; Col. 84, lines 49-60); and

thereafter transmitting, from said client device to said UI server, a command indicative of said offline action (Filepp, Col. 84, lines 49-60; the command is at least in part a GET command to the server side in an attempt to retrieve the objects).

13.    As per claim 5, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above, including saving said number of source data items in a client cache resident at said client device (Filepp, Col. 5, lines 20-25).

14.    As per claim 6, Filepp – Kikinis disclose the invention substantially as rejected in claim 5 above, including removing client cache items to accommodate said number of source data items (Filepp, Col. 6, lines 14-20).

15.     As per claim 7, Filepp – Kikinis disclose the invention substantially as rejected in claim 6 above,

including said removing step slectively removes said client cache items according to a hierarchical

preference scheme (Filepp, Col. 85, lines 30-40, LRU algorithm is used to maintain cache items)

16.     As per claim 8, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above,

including receiving, at said client device, a client action command related to said server-based

application (Filepp, Col. 84, lines 50-60); and

    executing said client action command by said client device (Filepp, Col. 10, lines 30-57).

12.     As per claim 9, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above,

including said number of source data items received during said receiving step represent a portion of a

larger amount of related data available at a UI server (Filepp, Col. 7, lines 27-42; Col. 5, lines 20-25).

13.     As per claim 10, Filepp – Kikinis disclose the invention substantially as rejected in claim 9 above,

including said larger amount of related data comprises a list of items; and said number of source data

items represents a subset of said list of items (Filepp, Col. 7, lines 25-42)

14.     As per claim 11, Filepp – Kikinis disclose the invention substantially as rejected in claim 9 above,

including said larger amount of related data comprises a document (Filepp, Col. 10, lines 30-41,

document is a page); and

    said number of source data items represents a portion of said document (Filepp, Col. 9, lines 10-33).

15.     As per claim 12, Filepp – Kikinis disclose the invention substantially as rejected in claim 9 above,

including said larger amount of related data comprises an image (Filepp, Fig 3a, item 255); and

    said number of source data items represents a portion of said image (Filepp, Fig 3a, item 280, 290).

16.     As per claim 13, Filepp – Kikinis disclose the invention substantially as rejected in claim 9 above,

including said larger amount of related data comprises a body of text (Filepp, Fig 3a, item 255); and

said number of source data items represents a portion of said body of text (Filepp, Fig 3a, item 290).

17.    As per claim 17, the claim is rejected for the same reasons as rejection to claim 1 above.

18.    As per claim 18, Filepp – Kikinis disclose the invention substantially as rejected in claim 17 above, including receiving, at said client device, said number of source data items from a UI server (Filepp, Col. 84, lines 50-60).

19.    As per claims 19-23, the claims are rejected for the same reasons as rejection to claims 3-7 above.

20.    As per claim 24, Filepp – Kikinis disclose the invention substantially as rejected in claim 21 above, including updating said UI in response to a manipulation of a display control rendered by said client device (Filepp, Col. 7, lines 25-42);

requesting an additional number of source data items if said manipulation of said display control triggers a data request command (Filepp, Col. 84, lines 49-60); and

replacing source data items saved in said client cache with said additional number of source data items (Filepp, Col. 8, lines 28-40; Col. 6, lines 14-18).

21.    As per claim 25, Filepp – Kikinis disclose the invention substantially as rejected in claim 21 above, including updating said UI in response to a manipulation of a display control rendered by said client device (Filepp, Col. 7, lines 25-42);

retrieving additional source data items from said client cache in response to said manipulation of said display control (Filepp, Col. 5, lines 20-25); and

displaying said additional source data items in said UI (Filepp, Fig 3; Col. 9, lines 10-32).

22.     As per claim 26, the claim is rejected for the same reasons as rejection to claim 8 above.

23.     As per claim 27, Filepp – Kikinis disclose the invention substantially as rejected in claim 17 above, including said UI form definition is dictated by said server-based application (Filepp, Col. 5, lines 20-25; Col. 7, lines 25-42).

24.     As per claim 28, Filepp – Kikinis disclose the invention substantially as rejected in claim 17 above, including at least one of the controls identified by said UI form is a native UI control stored locally at said client device (Filepp, Col. 5, lines 20-25).

25.     As per claim 29, the claim is rejected for the same reasons as rejection to claim 9 above.

26.     As per claim 30, Filepp – Kikinis disclose the invention substantially as rejected in claim 29 above, including said client device generating a request for additional source data items (Filepp, Col. 84, lines 50-60); and

said client device receiving, from said UI server, a subsequent portion of said total number of source data items (Filepp, Col. 84, lines 50-60).

27.     As per claim 31, Filepp – Kikinis disclose the invention substantially as rejected in claim 30 above, including said client device generates said request in response to a manipulation of said UI control (Filepp, Col. 84, lines 50-60).

28.     As per claim 32, the claim is rejected for the same reasons as rejection to claim 1 above.

29.     As per claim 33, the claim is rejected for the same reasons as rejection to claim 5 above.

30.    As per claim 34, the claim is rejected for the same reasons as rejection to claim 25 above.

31.    As per claim 35, the claim is rejected for the same reasons as rejection to claim 24 above.

32.    As per claim 36, the claim is rejected for the same reasons as rejection to claim 1 above.

33.    As per claim 37-39, the claims are rejected for the same reasons as rejection to claim 5-7 above.

34.    As per claim 40-41, the claims are rejected for the same reasons as rejection to claim 24-25 above.

35.    As per claim 42, Filepp – Kikinis disclose the invention substantially as rejected in claim 36 above, including said receive module is further configured to receive said number of source data items from a remote UI server (Filepp, Col. 84, lines 50-60, where modems are the receive modules).

36.    As per claim 43, Filepp – Kikinis disclose the invention substantially as rejected in claim 36 above, including said receive module is further configured to receive said UI form definition from a remote UI server (Filepp, Col. 5, lines 20-25; Col. 84, lines 50-60, where the data objects are stored remotely on a server and sent to the client upon client request).

37.    As per claim 44, Filepp – Kikinis disclose the invention substantially as rejected in claim 36 above, including said UI form definition is based upon a number of device capabilities for said client device (Kikinis, Col. 2, lines 48-51; Col. 10, lines 20-33, where proxy-server format the data according to the end device's capabilities).

38.    As per claims 45-49, the claims are rejected for the same reasons as rejection to claims 1, 5-7, 24 above respectively.

39.    As per claim 50, the claim is rejected for the same reasons as rejection to combination of claims 24 and 32 above.

40.    As per claims 51-53, the claims are rejected for the same reasons as rejection to claims 29, 27 and 32 above respectively.

41.    Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Filepp – Kikinis, in view of what was well known in the art.

42.    As per claims 14-15, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above, but does not explicitly say a command script.

Official Notice is taken (see MPEP 2144.03) command script is well known and routinely used for batching of commands at the time of the invention was made.

It would have been obvious to one of ordinary skill in the art to include command script with Filepp because it would provide for additional efficiency as provided by scripts, by include plurality of commands within the scripts, clients can automate the system for efficiency gains through command scripts.

43.    As per claim 16, Filepp – Kikinis disclose the invention substantially as rejected in claim 1 above, said executing step is performed by said client device in response to an offline manipulation of said UI control at said client device (Filepp, Col. 84, lines 50-60).

44.    **THIS ACTION IS MADE FINAL.** Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

45.     The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to

"PLATFORM-INDEPENDENT DISTRIBUTED USER INTERFACE CLIENT ARCHITECTURE".

|     |     |     |
| --- | --- | --- |
| i.   | US 5818447       | Wolf et al.      |
| ii.  | US 2002/0152244  | Dean et al.      |
| iii. | US 6167534       | Straathof et al. |

Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be

reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

JAROENCHONWANIT, BUNJOB can be reached on (571)272-3913. The fax phone number for the

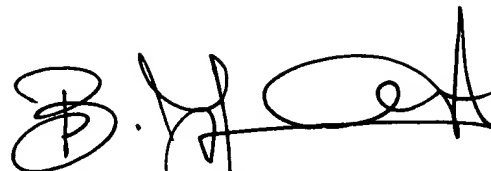organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be obtained

from either Private PAIR or Public PAIR. Status information for unpublished applications is available

through Private PAIR only. For more information about the PAIR system, see http://pair-

direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).


CZ
January 19, 2006

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER